

**316.150 Nonissuance, nonrenewal, revocation, suspension, and probation of licenses.**

- (1) The board may refuse to issue or renew, may revoke, or suspend and impose probationary conditions on the license of any Kentucky-licensed embalmer or Kentucky-licensed funeral director, and may issue a written reprimand and impose a fine, for:
  - (a) Violating any provision of this chapter, any lawful order of the board, or any administrative regulation promulgated by the board pursuant to this chapter;
  - (b) Being convicted of any felony, or any misdemeanor if the misdemeanor relates to the practice of embalming or funeral directing. For purposes of this subsection, a conviction includes a finding or verdict of guilt or an entry of a guilty plea or a plea of no contest;
  - (c) Paying or offering to pay, directly or indirectly, any consideration of value to secure a funeral, prior to or after an individual's death, or allowing the applicant's or licensee's employee or immediate family member to pay anything of value to secure a funeral;
  - (d) Soliciting business in any way by offering or giving any service which is not a normal function of a licensed embalmer or a licensed funeral director in a regular service;
  - (e) Permitting any person who is not a Kentucky-licensed embalmer or Kentucky-licensed funeral director to perform any service pertaining to embalming or funeral directing required by law of a licensed embalmer or a licensed funeral director, from the time of death until interment;
  - (f) Misrepresenting or concealing a material fact in obtaining a license or an apprentice registration;
  - (g) Assisting any applicant for an embalmer's or a funeral director's license in obtaining the license by misrepresentation or concealment of a material fact in registering for an apprenticeship, or during the period of serving an apprenticeship, or in taking or passing the examination for an embalmer's or a funeral director's license;
  - (h) Being sanctioned for a violation of any state or federal statute or administrative regulation governing the funeral industry or its practice for which a plan of correction or remedial action was not accepted by the state or federal authority; or
  - (i) Committing any act which constitutes unprofessional, fraudulent, misleading, corrupt, deceptive, or dishonest conduct. If the act constitutes a crime, conviction in a criminal proceeding shall not be a condition precedent to a disciplinary action.
- (2) The board may refuse to issue, may revoke, or suspend and impose probationary conditions on the registration of an apprentice, and may issue a written reprimand and impose a fine, for:
  - (a) Violating any of the provisions set out in paragraphs (a) to (i) of subsection (1) of this section; or

- (b) Disobeying the proper orders or instructions of a superior.
- (3) The board may refuse to issue or renew, may revoke, or suspend and impose probationary conditions on the license of any funeral establishment, and may issue a written reprimand and impose a fine, for:
  - (a) Misrepresenting or concealing a material fact in obtaining a funeral establishment license;
  - (b) Operating a funeral establishment in violation of any lawful order of the board or any state or federal statute or administrative regulation governing the operation of a funeral establishment; or
  - (c) Operating a funeral establishment without the supervision of a Kentucky-licensed embalmer or a Kentucky-licensed funeral director.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 90, sec. 4, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 149, sec. 7, effective July 15, 1996. -- Amended 1984 Ky. Acts ch. 82, sec. 3, effective July 13, 1984. -- Amended 1960 Ky. Acts ch. 52, sec. 15, effective June 16, 1960. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599a-11.